

REMARKS

Claims 4, 7, 8, and 11-19 are pending in the present application.

At the outset, Applicants wish to thank Examiner Jones for the indication that Claims 7 and 8 are allowable. Withdrawal of the outstanding rejections is respectfully requested in view of the following remarks.

The rejections of: (a) Claims 4 and 14 under 35 U.S.C. §102(b) over JP 04243822 and the Merck Index; and (b) Claims 4 and 13-19 under 35 U.S.C. §103(a) over JP 04243822 and the Merck Index; are obviated by amendment.

The Examiner bases this rejection largely on the alleged disclosure in JP 04243822 of the administration of caffeic acid for treatment of hypertension. The Examiner further cites the Merck Index as providing evidence that caffeic acid is a compound of claimed formula (1) where  $R^1$  and  $R^2$  are hydrogen and  $R^3$  is a hydroxyl group. Applicants have amended Claim 4 to add the proviso that where  $R^3$  is a hydroxyl group one of  $R^1$  or  $R^2$  is selected from the group consisting of a hydrogen atom, an alkyl group, an alkenyl group, a cycloalkyl group, a cycloalkenyl group, an alkoxyalkyl group, an aryl group, an alkylaryl group, an aralkyl group or an acyl group, while the other of  $R^1$  or  $R^2$  is selected from the group consisting of an alkyl group, an alkenyl group, a cycloalkyl group, a cycloalkenyl group, an alkoxyalkyl group, an aryl group, an alkylaryl group, an aralkyl group or an acyl group (i.e.,  $R^1$  and  $R^2$  cannot both be a hydrogen atom when  $R^3$  is a hydroxyl group). Accordingly, the invention as presently claimed excludes caffeic acid from its scope. As such, JP 04243822 and the Merck Index do not disclose or suggest a compound within the scope of the claimed invention. As such, the invention as claimed is not anticipated by or obvious in view of either JP 04243822 or the Merck Index.

Withdrawal of these grounds of rejection is requested.

The rejection of Claims 4, 11, and 12 under 35 U.S.C. §112, second paragraph, is respectfully traversed.

In the Office Action, the Examiner alleges that the meaning of the term “an amide bond residue” is unclear. The Examiner alleges that the amide bond is either the result of an interaction between the carbonyl group, CO, and a NH group, thus forming the amide bond or whether there is an amide group that bonds to the already present carbonyl group thus forming a  $\beta$ -ketoamidyl compound. Based on the disclosure at page 10, lines 2-11, Applicants submit that the meaning of the term “an amide bond residue” is *clear* and is that of the former interpretation.

Applicants wish to remind the Examiner that: “Applicants are their own lexicographer” (MPEP §2173.01). MPEP §2173.01 also states that Applicants “can define in the claims what they regard as their invention essentially in whatever terms they choose so long as the terms are not used in ways that are contrary to accepted meanings in the art.” Further, definiteness of claim language must be analyzed, not in a vacuum, but in light of:

- (A) The content of the particular application disclosure;
- (B) The teachings of the prior art; and
- (C) The claim interpretation that would be given by one possessing the ordinary level of skill in the pertinent art at the time the invention was made (MPEP §2173.02).

In view of the definition provided on page 10, lines 2-11, of the specification, Applicants submit that the term “an amide bond residue” clearly indicates that the amide bond is the result of an interaction between the carbonyl group, CO, and a NH group, thus forming the amide bond.

Accordingly, Applicants submit that this rejection over Claims 4, 11, and 12 is improper. Acknowledgment that this rejection has been withdrawn is requested.

Applicants submit that the present application is now in condition for allowance. Early notification of such action is earnestly solicited.

Respectfully submitted,

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